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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,099	08/10/2000	Jesus Guinea	99AG11353231	6346
7590	09/07/2004		EXAMINER	
Christopher F Regan Allen Dyer Doppelt Milbrath & Gilchrist PA P O Box 3791 Orlando, FL 32802-3791			MUNOZ, GUILLERMO	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/636,099	GUINEA ET AL.	
Examiner	Art Unit	
Guillermo Munoz	2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 07 June 2004.  
2a) This action is FINAL.                                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 7-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 7-34 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Withdrawal of Allowable Subject Matter***

The indicated allowability of claims 13, 15, 20, 23, and 24 is withdrawn upon further consideration, a new ground(s) of rejection is made in view of newly cited 112 issues.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in European Patent Office on 08/12/1999. It is noted, however, that applicant has not filed a certified copy of the 99830524.7 application as required by 35 U.S.C. 119(b).

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities:

The abstract of the disclosure is objected to because the length of the abstract exceeds 150 words. See MPEP § 608.01(b); and

The specification is objected to because the page 6, line 7 appears to contain a typographical error. The phrase "Q2N', OR" should be replaced with the phrase —Q2N' OR—.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification is not enabling for the claimed subject matter “determining based upon sampling whether two of the four local timing signals forming a pair of reference signals that are out of phase by  $\frac{1}{2}$  period are advanced or delayed relative to the timing of the data flow, and for controlling said first circuit to delay or advance the four local timing signals based upon the pair of reference signals” in claim 7, lines 17-22; claim 13, lines 7-13; claim 20, lines 15-23; and claim 29, lines 11-16.. The instant application provides an embodiment of the invention in Figure 3 with 4 inputs labeled Q1-Q4. Generated timing signals Q1 and Q2 are shown to form a reference pair input into a AND gate, while timing signals Q3 and Q4 are shown to form a reference pair input into a second AND gate. Figure 4 illustrates the Input signals Q1-Q4, wherein Q1 and Q2 are shown to have a phase difference of  $\frac{1}{4}$  bit period. The forming of a reference pair of timing signals having a phase difference of  $\frac{1}{2}$  period is not enabled by the disclosed embodiment as illustrated in Figure 3. Claims 8-12, 14-19, 21-28, and 30-34 are dependent on rejected claims, and are rejected under 35 U.S.C. 112, first paragraph.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph. Claim 14 recites the limitation "the transition of a first type" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. It is suggested that the phrase "the transition of a first type" be replaced with the phrase —a transition of a first type—.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph. Claim 16 recites the limitation "each transition of a first type" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is suggested that claim 16 be made dependent upon claim 14.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph. Claim 19 recites the limitation "said pair of AND gates" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is suggested that claim 19 be made dependent upon claim 18.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph. Claim 21 recites the limitation "the transition of a first type" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is suggested that the phrase "the transition of a first type" be replaced with the phrase —a transition of a first type—.

Claims 30-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 30-34 comprises both product and process limitations. "The claim does not provide competitors with an accurate determination of the Metes and Bounds of protection

involved so that an evaluation of the possibility of infringement may be ascertained with a reasonable degree of certainty." (Lyell 17 USPQ2d 1548, Bd. Pat. App. & Inter. 1990)

Examiner suggests improving the claim language of claims 30-34 by modifying the preamble of the claims. For example claim 30 may be improved by modifying line 1 as follows:

—30. A method according to—

Claim 34 is rejected under 35 U.S.C. 112, second paragraph. Claim 34 recites the limitation "said pair of AND gates" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is suggested that the phrase "said pair of AND gates" be replaced with the phrase —a pair of AND gates—.

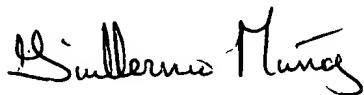
Claims 17-19, and 22 are dependent on rejected claims, and are rejected under 35 U.S.C. 112, second paragraph.

### ***Conclusion***

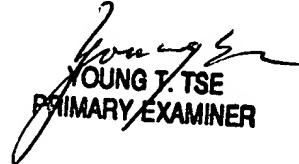
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Munoz whose telephone number is 571-272-3045. The examiner can normally be reached on Monday-Friday 8:30a.m-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GM  
September 2, 2004



YOUNG T. TSE  
PRIMARY EXAMINER